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*Co-Counsel for Marc S. Kirschner, as Litigation
Trustee of the Highland Litigation Sub-Trust*

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

Chapter 11

Case No. 19-34054-sgj11

MARC S. KIRSCHNER, AS LITIGATION
TRUSTEE OF THE LITIGATION SUB-TRUST,

Plaintiff,

v.

JAMES D. DONDERO; MARK A. OKADA;
SCOTT ELLINGTON; ISAAC LEVENTON;
GRANT JAMES SCOTT III; STRAND
ADVISORS, INC.; NEXPOINT ADVISORS,
L.P.; HIGHLAND CAPITAL MANAGEMENT
FUND ADVISORS, L.P.; DUGABOY
INVESTMENT TRUST AND NANCY
DONDERO, AS TRUSTEE OF DUGABOY
INVESTMENT TRUST; GET GOOD TRUST
AND GRANT JAMES SCOTT III, AS
TRUSTEE OF GET GOOD TRUST; HUNTER
MOUNTAIN INVESTMENT TRUST; MARK &
PAMELA OKADA FAMILY TRUST –
EXEMPT TRUST #1 AND LAWRENCE
TONOMURA AS TRUSTEE OF MARK &
PAMELA OKADA FAMILY TRUST –
EXEMPT TRUST #1; MARK & PAMELA
OKADA FAMILY TRUST – EXEMPT TRUST
#2 AND LAWRENCE TONOMURA IN HIS

Adv. Pro. No. 21-03076-sgj

APPLICATION FOR
ENTRY OF DEFAULT
AGAINST DEFENDANT
SAS ASSET RECOVERY,
LTD., PURSUANT TO
RULE 55(a) OF THE
FEDERAL RULES OF
CIVIL PROCEDURE

¹ The last four digits of the Reorganized Debtor's taxpayer identification number are (8357). The Reorganized Debtor is a Delaware limited partnership. The Reorganized Debtor's headquarters and service address are 100 Crescent Court, Suite 1850, Dallas, TX 75201.

CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; AND SAS ASSET RECOVERY, LTD.,

Defendants.

**THE LITIGATION TRUSTEE’S
MOTION FOR CLERK’S ENTRY OF DEFAULT**

To the Clerk of the United States Bankruptcy Court for the Northern District of Texas:

Plaintiff Marc S. Kirschner (the “Litigation Trustee”), as Litigation Trustee of the Litigation Sub-Trust (the “Trust”) established pursuant to the Fifth Amended Plan of Reorganization (the “Plan”) of Highland Capital Management L.P. (“HCMLP” or the “Reorganized Debtor”) (Bankruptcy Docket No. 1472), through his undersigned counsel, hereby requests pursuant to Rule 7055-1(b) of the Local Bankruptcy Rules for the Northern District of Texas and Rule 55(a) of the Federal Rules of Civil Procedure, made applicable by Rule 7055 of the Federal Rules of Bankruptcy Procedure, that the Clerk enter the default of Defendant SAS Asset Recovery, Ltd. (“SAS”), for failure to plead or otherwise defend against the action in a timely manner.

As shown by the proof of service previously filed with this Court, SAS was served pursuant to Rule 4 of the Federal Rules of Civil Procedure (made applicable by Rule 7004 of the Federal Rules of Bankruptcy Procedure), via the Hague Convention, on August 29, 2022 (Docket No. 204).

The applicable time limit for SAS to appear or otherwise respond to this action, according to Rule 12 of the Federal Rules of Civil Procedure (made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure), expired on September 19, 2022.

SAS has failed to plead or otherwise respond to the Amended Complaint. This request is supported by the Declaration of Plaintiff's Attorney Deborah J. Newman, attached hereto and incorporated herein as Exhibit "A."

Dated: October 13, 2022
Dallas, Texas

Respectfully submitted,

SIDLEY AUSTIN LLP

/s/ Juliana L. Hoffman

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-and-

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Counsel for the Litigation Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent via electronic mail via the Court's ECF system to parties authorized to receive electronic notice in this case on October 13, 2022.

/s/ Juliana L. Hoffman
Juliana L. Hoffman